

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-13 are now in the application. Claims 1 and 8 have been amended.

Support for the feature added to independent claims 1 and 8 can be found on page 4, lines 4-6, of the instant application.

In item 3 on page 2 of the above-identified Office Action, claims 1-13 have been rejected as failing to comply with the written description requirement under 35 U.S.C. § 112, first paragraph.

More specifically, the Examiner states that the limitation "an adjustable line termination characteristic" previously added to claims 1 and 8 is not disclosed in the instant specification and therefore, is considered new matter.

Claims 1 and 8 have been amended by deleting reference to the aforesaid limitation relating to "an adjustable line termination characteristic" and in lieu thereof inserting the limitation --the subscriber line unit providing the

required transmission characteristic and a required line termination characteristic--.

Support for the changes may be found on page 4, lines 4-6 of the instant specification as noted above.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first paragraph. The above noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

It is respectfully noted that the Examiner has not specifically rejected the claims 1-13 over prior art in the above-identified Office Action. However, the Examiner has stated that the "Examiner respectfully disagrees" with applicants argument (previously submitted in applicants' August 18, 2003 response submitted in the instant application) that the primary reference of Ozeki fails to teach separate recognition and control units. Therefore, applicants assume that the Examiner is relying on the same rejections as set forth in the Office Action dated March 18, 2003 (herein the

"March 18 Office Action"), although it is noted that new claims 7-13, which were added in the August 18, 2003 response, have not been rejected over any prior art. In view of the foregoing, applicants will address their remarks to the rejections stated in the March 18, 2003 non-final Office Action as well as the above-identified June 23, 2004 final Office Action.

In item 2 on page 2 of the March 18 Office Action, claims 1 and 5 have been rejected as being anticipated by Ozeki (JP 408-251370) under 35 U.S.C. § 102(b).

In item 6 on page 4 of the March 18 Office Action, claim 6 has been rejected as being unpatentable over Ozeki in view of Schwartz (U.S. 4,805,208) under 35 U.S.C. § 103(a).

In item 8 on page 5 of the March 18 Office Action, claim 3 has been rejected as being unpatentable over Ozeki in view of Fette et al. (U.S. 5,612,948) (hereinafter "Fette") under 35 U.S.C. § 103(a).

In item 10 on page 6 of the March 18 Office Action, claims 4 and 6 have been rejected as being unpatentable over Ozeki under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims as last presented in the August 18, 2003 response were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references, except that claims 1 and 8 have been amended to overcome the rejection based on 35 USC 112, first paragraph.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a communications system with a transmission network for transmitting useful signals, having:

at least one subscriber line unit connected between said at least one subscriber terminal and the transmission network of the communications system, **said at least one subscriber line unit having an adjustable required transmission characteristic, said subscriber line providing the required transmission characteristic and a required termination characteristic;**

**a separate recognition unit connected to the transmission network for recognizing a particular call number pattern and for outputting a control signal corresponding to a recognized particular call number pattern; and**

a separate control unit connected between the recognition unit and the subscriber line unit for adjusting the adjustable required transmission characteristic of the subscriber line unit in dependence on the control signals output by the recognition unit. (emphasis added)

Ozeki discloses a facsimile device with protocol function having a subscriber line (modem, network control section) which is designed to increase the level of a transmission signal as well as the transmission speed in case a communication connection already exists with the corresponding subscriber. In the case where a communication connection has not existed, the communication takes place without a change.

Ozeki does not show certain basic claimed features of the present invention including: the subscriber line unit having an adjustable transmission characteristic and providing the required transmission characteristic and line termination characteristic; the recognition unit connected with the transmission network; the recognition unit constructed to recognize a certain number characteristic; the control signals corresponding to the recognized number patterns; and the separate control unit disposed between the recognition unit and the subscriber line unit.

Contrary to Ozeki, the present invention is based on the object to adapt the adaptation of the transmission characteristic of a subscriber line dependent on the transmission service or the type of transmission. Ozeki relates to setting a transmission level in response to a destination at the start of transmission. A transmission characteristic can be, for example, the input impedance, the line simulation of a transmission line or the level of transmitted signals (see page 1, lines 14-16 of the instant specification). A desired transmission characteristic can be adjusted by a subscriber by inputting a certain call number pattern and can be transmitted to other subscribers. This call number pattern may contain information, which gives insight into which transmission characteristic and thus line termination characteristic, the subscriber line unit is to have, in order to improve the transmission quality. Ozeki does not teach such a system.

The present invention provides that this call number pattern is analyzed by one or several subscribers and that the desired line termination characteristic of the subscriber line unit is adjusted. Contrary thereto, Ozeki only checks whether or not a number has already been dialed. Only a digital evaluation is thus carried out, independent of any content that the

dialed number has. According to the present invention, however, the question of whether or not a respective number had already been dialed is not relevant because the content of the corresponding number or a specific pattern for a transmission quality which might have to be adjusted, is relevant.

For this purpose, the present claimed invention provides a recognition device. Even though in Ozeki a recognition unit must be present in order to determine whether there was a previous connection with the respective connection subscriber, the recognition device in Ozeki differs significantly from the claimed recognition device of the present invention on the basis of their different functionalities. In Ozeki, for purpose of a digital evaluation of a chosen number, only this number must be compared with, for example, a number stored in a memory. Contrary thereto, such a comparison does not take place in the present invention. Instead, useful information contained in the called number must be decoded and subsequently evaluated. For this purpose, the claimed recognition device according to the present invention has a decoder as well as a program-controlled evaluation unit (separate control unit). Because of these differences, the

recognition device in Ozeki cannot simply be compared with the separate recognition device of the claimed present invention.

According to the present invention, the separate recognition unit is connected (directly) with the transmission network so that an early recognition of a certain number pattern can be realized. This claimed feature is neither expressly nor implicitly disclosed in Ozeki.

According to the claimed present invention, a control signal is generated in dependence on each recognized call number pattern, which correspondingly adapts the transmission characteristic of the subscriber line unit. Contrary thereto, the configuration in Ozeki does not necessarily provide a control unit. In Ozeki, the evaluation of the call numbers is carried out digitally, i.e. whether or not a previous connection existed.

A control unit provided solely for this purpose is thus not necessary or shown in Ozeki. The same function can be realized by a simple comparator. The evaluation unit in Ozeki must therefore, also not generate control signals which are dependent on the corresponding call number patterns.

Moreover, even if Ozeki was considered to have a control unit, which it does not, Ozeki does not disclose or suggest in anyway disposing the control unit between the recognition unit and the subscriber line unit, as set forth in the claims of the instant application.

According to the present invention (e.g., see Fig. 1), there is provided a subscriber terminal 12 connected with the network 2 via a subscriber line unit 10. This is a well-known layout for a communication network system. Additionally, according to the present invention, however, there is provided a separate recognition device 33 which is also connected with the network 2 and which is constructed to directly recognize a certain call number pattern from the network 2. Because of a recognized call number constellation, control signals 35, which are dependent thereon, are generated. The signals are suitably processed in the control unit 32, whereby the control unit 32 in turn now suitably adapts the transmission characteristic of the subscriber line unit 10. The communication system according to the present invention has separate functional units, which interact with each other in the described manner. Such a communication system is neither disclosed nor suggested in Ozeki.

In Ozeki, however, only the signal level as well as the signal speed are mentioned. Although this influences the transmission characteristic in a certain manner, it does not necessarily affect the transmission quality. In the present invention, however, a specific transmission quality depending on the request of a communication subscriber is adapted by means of the adjustable transmission characteristic. The transmission quality is thereby not only realized via the signal level, but in particular also by the input impedance, power simulation, and the like.

Clearly, Ozeki does not show "said at least one subscriber line unit having an adjustable required transmission characteristic, said subscriber line providing the required transmission characteristic and a required termination characteristic; a separate recognition unit connected to the transmission network for recognizing a particular call number pattern and for outputting a control signal corresponding to a recognized particular call number pattern; and a separate control unit connected between said recognition unit and said subscriber line unit" as recited in claim 1 of the instant application. Independent claim 8 contains similar limitations.

Schwartz discloses bit compression system for a telephone modem using differential phase shift modulation to transmit dabit or tribit values. Schwartz does not overcome the deficiencies of the primary Ozeki reference. The only basis for combining Schwartz and Ozeki is solely hindsight.

Fette discloses a cellular highband communication network that operates at frequencies above certain level, which affords widespread coverage. Fette does not overcome the deficiencies of the primary Ozeki reference. The only basis for combining Fette and Ozeki is solely hindsight.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1 or 8. Claims 1 and 8 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1 or 8.

In view of the foregoing, reconsideration and allowance of claims 1-13 are solicited.

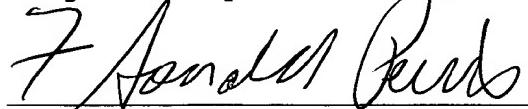
• Appl. No. 09/390,497  
• Amdt. dated 10/25/04  
• Reply to Office action of 6/23/04

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$110.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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FDP/bb

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